

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BROOKHAVEN MEMORIAL HOSPITAL MEDICAL  
CENTER, as Trustee of Brookhaven  
Memorial Hospital Retirement Income  
Plan,

Plaintiff,

MEMORANDUM & ORDER  
12-CV-2806 (JS) (ARL)

-against-

CATHERINE R. RUSSOTTO,

Defendant.

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APPEARANCES

For Plaintiff: Stephen Einstein, Esq.  
Stephen Einstein & Associates, P.C.  
20 Vesey Street, Suite 1406  
New York, NY 10007

For Defendant: No appearance.

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Arlene R. Lindsay's Report and Recommendation ("R&R"), issued on August 12, 2013. For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiff Brookhaven Memorial Hospital Medical Center, as Trustee of the Brookhaven Memorial Hospital Retirement Income Plan ("Plaintiff") commenced this action on June 5, 2012 against Defendant Catherine R. Russotto ("Defendant") seeking to recover an overpayment of retirement plan benefits. Defendant did not answer or otherwise respond to the Complaint. Plaintiff moved for

an entry of default on January 25, 2013 (Docket Entry 5), and the Clerk of the Court noted Defendant's default on January 29, 2013 (Docket Entry 6). Then, on January 31, 2013, Plaintiff filed a motion for default judgment (Docket Entry 7), which the Court referred to Judge Lindsay for an R&R on February 7, 2013 (Docket Entry 8).

Judge Lindsay issued her R&R on August 12, 2013, recommending that Plaintiff's motion be granted and that Plaintiff be awarded \$55,092.50.

No party has objected to any portion of Judge Lindsay's R&R.

#### DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party objected to Judge Lindsay's R&R. And the Court finds it to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

Judge Lindsay's R&R is ADOPTED in its entirety. The Court GRANTS Plaintiff's motion for default judgment and awards Plaintiff damages in the amount of \$55,092.50.

The Clerk of the Court is directed to enter judgment consistent with this Memorandum and Order and to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: September 9, 2013  
Central Islip, NY